

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION
4:11-CV-124-RBH

RBC BANK (USA),

Plaintiff,

v.

THOMAS DARIN EPPS, DUNES
MORTGAGE LLC, SYNERGY
INVESTMENT GROUP LLC, JEREMY
EASON, JJE ENTERPRISES LLC a/k/a J&J
ENTERPRISES, MALIA MCCAFFREY,
PRODIGY CONSULTING, LLC, LINDA L.
STEELE, LINBRANDT, LLC, JOSEPH
GRAY, JACQUELINE GRAY, WEST COAST
FUNDING, LLC, THERESA FESCHUK,
MAJ, LLC, ZAG, LLC, ALISSA SMITH,
EAST COAST FUNDING, LLC, CASA MIA,
INC. a/k/a/ CASA MIA DEVELOPMENT,
LLC, J&M MORTGAGE SERVICES, INC.
a/k/a/ CHALLENGE HOME EQUITY, MIKE
WIMBERLY, ZEREKO NEVADA, INC.,
YOUVAL GERINGER, STONEGATE
PROPERTIES, INC., JOHN M. WARNER,
JR., WARFIN DEVELOPERS, LLC, THERON
FLOYD, TRINITY DEVELOPMENT, LLC,
LARRY PROSSER, DUPLEX
DEVELOPMENT, INC., JOHN MARKS,
ACTION BUILDERS OF MYRTLE BEACH,
LLC, DAVID L. BRIDGES, JR., ALVIN H.
SHUMAN, MCKEAN PROPERTIES, LLC,
DAVID THOMAS HIX, JR., MYRTLE
BEACH VILLAS, LLC, DAVID
O'CONNELL, JEFFERY TODD SHOUP,
ATLANTIS VILLAS OF NMB, LLC,
MATTHEW SKINNER, and BILLY JAMES
BARFIELD,

Defendants.

**CONSENT JUDGMENT AGAINST
THERON FLOYD AND ORDER FOR
DISMISSAL OF TRINITY
DEVELOPMENT, LLC**

THIS MATTER comes before the Court at the request of Plaintiff RBC Bank (USA) (“RBC Bank”) and Defendants Theron Floyd (“Floyd”) and Trinity Development, LLC (“Trinity”). Based on the agreement of RBC Bank, Floyd and Trinity, the Court makes the following findings of fact and conclusions of law:

1. Floyd engaged in an unfair trade practice in violation of S.C. Code. § 39-5-10, *et seq.* as a result of his participation in Trinity’s sale of 122 Rainbow Drive in Garden City, South Carolina to an apparent straw buyer from North Carolina named Joshua Neelon for \$855,000. Floyd’s actions with regards to the sale of this property proximately caused damages to RBC Bank in an amount of \$542,159.00.

2. Floyd engaged in an unfair trade practice in violation of S.C. Code. § 39-5-10, *et seq.* as a result of his participation in Trinity’s sale of 608B Woodland Drive, Garden City, South Carolina to an apparent straw buyer from California named Aleksandr Boychuk for \$575,000. Floyd’s actions with regards to the sale of this property proximately caused damages to RBC Bank in an amount of \$386,403.50.

3. RBC Bank and Floyd have consented and agreed that RBC Bank shall have and recover a judgment against Floyd in the principal amount of \$925,000.00 for his violations of S.C. Code § 39-5-10, *et seq.* RBC Bank and Floyd have agreed that these damages shall not be trebled pursuant to S.C. Code § 39-5-140, and that each party shall bear their own attorney’s fees and court costs arising from RBC Bank’s claims against Floyd.

4. There is no just reason for delaying entry of this judgment against Floyd.

5. RBC Bank, Floyd and Trinity have consented and agreed that RBC Bank’s claims against Trinity shall be dismissed, without prejudice, and the remaining claims against Floyd shall be dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that RBC Bank shall have and recover from Floyd judgment in the principal amount of \$925,000.00, plus interest at the legal rate after judgment until paid in full.

IT IS FURTHER ORDERED THAT RBC Bank's claims against Trinity Development, LLC in this action shall be dismissed, without prejudice, and the remaining claims against Floyd shall be dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41.

This the 14th day of November, 2011

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Court Judge

WE CONSENT:

POYNER SPRUILL LLP

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